



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,517	04/19/2007	Bennett Ortiz	CRD5060USNP0	8425

7590 07/29/2008  
Philip S. Johnson  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003

EXAMINER
----------

JOHNSON, SONJI N

ART UNIT	PAPER NUMBER
----------	--------------

2887

MAIL DATE	DELIVERY MODE
-----------	---------------

07/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,517	<b>Applicant(s)</b> ORTIZ ET AL.	
	<b>Examiner</b> SONJI JOHNSON	<b>Art Unit</b> 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/30/2006,08/03/2006</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrender et al. US Pub. No. 2004/0008123, herein referred to as Carrender '123, and further in view of Frederick et al. US Patent No. 6, 112, 502, cited by applicant herein referred to as Frederick '502.

**Re claim 1**, Carrender '123, discloses a inventory management system (Abstract) , comprising:

a medical device (Abstract, Paragraph 08, wherein the devices are pharmaceuticals and prescriptions ) defining an expiration date (Abstract, and Paragraph 40, wherein the expiration date is the shelf life), packaging (Paragraph 13, wherein the packaging comprises of a container) ;

an RFID transponder (Paragraph 08, 12, 28, wherein the RFID transponder is the RFID tag 36) affixed to the medical device packaging (Paragraphs 8, 13); the RFID transponder (Paragraph 08, 12, 28, wherein the RFID transponder is the RFID tag 36) being initialized with an identification code (Paragraphs 09, 25, 30 wherein the identification code comprises of device identification information stored in the tag);

an RFID reader (Paragraph, 24 29, wherein the RFID reader is reader 38, Fig 2)

Art Unit: 2887

defining a proximity distance at which an RFID transponder is readable, adapted to generate and receive wireless signals to and from an RFID transponder, thereby reading the identification number from the RFID transponder (Paragraphs 25, 27 and 31) ;

a computer having memory loaded with software (Paragraphs 35 and 45, wherein it obvious that a computer comprises of a memory, wherein the computer is used to access the database and that the computer is loaded with software to execute task); such that when the medical device is in proximity to the RFID reader (Paragraphs 25, 27, 28, wherein the RFID reader is the reader 38, Fig 2), the RFID reader interrogates the RFID transponder to read the identification code into the computer memory (Paragraphs 31 and 25); and if the medical device is again placed in proximity to the RFID reader, the RFID reader will again interrogate the RFID transponder to read the identification code into the computer memory (Paragraph 31 and 25, wherein it is obvious that when a device is place in range of the RFID reader i.e. interrogator will interrogate the RFID transponder , wherein the RFID transponder is the RFID tag 36, wherein the transponder response signal has identifying information wherein the identifying information is stored and thus read into the memory);

wherein the computer software is adapted to periodically communicate all identification codes of medical device RFID transponders in proximity to the RFID reader to an inventory administrator (Paragraphs 30, 31 and 45, wherein the computer comprising of software and a database, wherein the database comprises of tag identification information, wherein the administrator i.e. authorized user has access to

the database); and to automatically communicate an alert to the inventory administrator if an inventory of medical devices is reduced below a preselected amount (Abstract, Paragraph 45, wherein the present condition of the medical device is automatically monitored and reported, wherein it is obvious that the report comprises of preselected amounts of medical devices is sent to the administrator i.e. authorized user ); and to automatically communicate an alert to the inventory administrator if a medical devices has reached the expiration date or is within a preselected time period of the expiration date (Paragraph, 40 and Abstract), but does not specifically disclose that when the device is removed from proximity to the RFID reader, the RFID reader communicates the removal of that identification code to the computer memory . However Frederick '502 discloses of a medical inventory monitoring system specifically comprising of medical devices (Abstract, Column 1, Lines 5-12); and that when the medical device is removed from proximity to the RFID reader (348, 583) the RFID reader communicates the removal of that identification code (Column 6, line 48, wherein the identification code is the indicia) to the computer memory (Column 6, lines 47-52 and Column 4, lines 22-27). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made for the inventory management system of Carrender '123 to further comprise of the step of wherein the medical device is removed from proximity to the RFID reader (348, 583) the RFID reader communicates the removal of that identification code (Column 6, line 48, wherein the identification code is the indicia) to the computer memory as claimed since Frederick '502 discloses a medical inventory management system that can more accurately, and conveniently monitor in an

Art Unit: 2887

inventory of medical use to provide and indication of what is used (Column 2, lines 13-28)

**Re claim 2**, Carrender '123 and Frederick '502 further disclose the medical device inventory management system of Claim 1, further comprising a bar-code reader (Column 5, lines 47-50, wherein it is obvious that the reading device scanning the indicia is a bar-code reader).

**Re claim 4**, Carrender '123 and Frederick '502 further discloses the medical device inventory management system of Claim 1, wherein the medical device packaging is at least partially metal (Paragraphs 35 and 36, wherein the packaging is the container 70 comprising of a cap 84, wherein the cap 84 comprises of metal segments 92, 94 and thus the packaging is at least partially metal, wherein the RFID tag (Paragraph 08, 12, 28, wherein the RFID transponder is the RFID tag 36) has a shape that maximizes the accuracy of the RFID reader (wherein it is obvious that the shape of the RFID tag is designed in a matter to ensue an accurate reading)

**Re claim 5**, Carrender '123 and Frederick '502 further discloses the medical device inventory management system of Claim 1, wherein the medical device packaging further comprises a temperature sensor (Paragraphs 34, 40, wherein it is obvious that the detection device comprises of a temperature sensor since the condition of the medical device is monitored), and wherein the RFID reader (38) is adapted to also interrogate the temperature sensor (Paragraph 40).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carrender et al. US Pub. No. 2004/0008123, herein referred to as Carrender '123 and further in view of Frederick et al. US Patent No. 6, 112, 502, herein referred to as Frederick ' 502 as applied to claim 1 above, and further in view of De La Huerga US Pub. No. 2002/0084904 cited by applicant, herein referred to as De La Huerga '904.

**Re claim 3.** Carrender '123 and Frederick '502 discloses the medical device inventory management system of Claim 1, but does not specifically disclose a medical device inventory management system further comprising a patient wristband reader (Paragraph 3, Fig 6, 300). However, De La Huerga '904 specifically discloses an identification band for a patient wrist comprising of a transponder that can receive information (Paragraph 38). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made for the medical device inventory management system of Kimball '961 and Frederick '502 to further comprise of a patient wristband reader as claimed since De La Huerga ' 904 teaches of a identification bracelet comprising a patient identification mechanics that is inexpensive, disposable and rewritable that can receive information and provide information to a memory device (Paragraph 37-38).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Schrodtt et al. (US Pub. No. 2005/0149414 A1) discloses an RFID method and system for preventing product out-of-stock conditions in a retail supply chain.

- Frederick et al. (US Patent No. 7, 286, 9001) discloses a system for controlling and tracking medical items.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONJI JOHNSON whose telephone number is 571-270-5266. The examiner can normally be reached on Monday-Thursday 7:30 AM -6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SONJI JOHNSON/  
Examiner, Art Unit 2887

/STEVEN S. PAIK/  
Supervisory Patent Examiner, Art  
Unit 2887

/S. J./  
Examiner, Art Unit 2887

Application/Control Number: 10/579,517  
Art Unit: 2887

Page 8